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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,178	11/13/2001	Alessandro Pozzi	P/4064-3	7768

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EXAMINER

ELEY, TIMOTHY V

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/010,178

Applicant(s)

POZZI ET AL.

Examiner

Timothy V Eley

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 3724

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

a. The following phrases are vague, indefinite, and/or awkwardly and confusingly worded:

- i. "(f)igure . . . block"(page 3, line 8).
- ii. "(f)igure . . . block"(page 3, line 10).
- iii. "(f)igure . . . and"(page 3, line 16).
- iv. "provided . . . end"(page 4, line 14).
- v. "with . . . profile"(page 5, lines 2 and 3).
- vi. "(t)he head . . . 92"(page 6, line 9). The lead line for numeral 96 in figure 3 does not appear to indicate the head of the threaded means 92.
- vii. "has . . . profile"(page 8, lines 20 and 21).
- viii. "channel . . . profile"(page 8, lines 21 and 22).
- ix. "(Figures 13 and 14)"(page 8, line 25). Figure 14 does not exist.

b. Numeral "15"(page 8, line 19) should be --13--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3724

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. "it's flank"(claim 4, line 2) , "the end . . . blade"(claim 4, line 2), "the flanks" (claim 6, line 2; claim 15, line 1; claim 16, line 2), "the bar"(claim 7, line 3), "the coupling end"(claim 12, line 3), "the lateral surface"(claim 13, lines 1 and 3), "the . . . member"(claim 13, lines 2 and 3; claim 14, line 2; when claims 13 and 14 depend from claim 12), "said connecting pin"(claim 13, line 3; when claim 13 depends from claim 5), "the end"(claim 15, lines 1 and 2), and "the opposed flank"(claim 15, line 2) lack proper antecedent basis since they were not properly earlier referred to.

b. The following phrases in the claims are vague, indefinite, and/or awkwardly and confusingly worded and are therefore not fully understood:

i. "said tie-bars . . . side"(claim 1, lines 3-5) is awkwardly worded. --each-- should be inserted before "have".

ii. "said spur"(claim 2, line 1; claim 3, line 1). --each-- should be inserted before "said".

iii. "two . . . profile"(claim 4, lines 2 and 3). This phrase is awkwardly worded.

Art Unit: 3724

iv. "said tie-bars . . . spur"(claim 5, lines 1-3). This phrase is vague, indefinite, and awkwardly and confusingly worded. Also, --each-- should be inserted before "provided".

v. "having . . . diameter"(claim 14, lines 3 and 4).
Having a smaller diameter than what?

vi. "the flanks . . . alongside"(claim 15, lines 1-3).
This phrase is awkwardly worded.

vii. "each . . . blade"(claim 17, lines 1-3). This phrase is awkwardly worded. Also, in "the blade" , "the" should be changed to --each respective--.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2,10,11,12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by the German reference(27049).

a. The German reference discloses a cutting block for a sawing machine for sawing stone blocks into slabs, comprising a pair of opposed yokes(D⁵) for tensioning a plurality of blades(D) by means of tie-bars(D²) with spurs, wherein the tie-bars which hold the blades each have a single spur(the widen end containing the

Art Unit: 3724

holes) between two blades place side by side (this limitation is met since applicant did not recite that the blades are in actual contact). See figures 3, 3^a, and 3^b.

b. Regarding claim 2, each spur constitutes a spacing straightedge for the two blades placed side by side since without the spur, the blades would not be properly spaced.

c. Regarding claim 10, each tie-bar comprises a bar and each spur extends from the bar of the tie-bar in the manner of a hammer-head as clearly seen in figure 3^b.

d. Regarding claim 11, the spur constitutes a warp-preventing guide for the blades placed side by side since the width of the spur aids in supporting the blade and thereby preventing warpage.

e. Regarding claim 12, each spur is provided with a through hole that can be aligned with a corresponding through hole provided in a coupling end of a blade for receiving a connecting pin as clearly seen in figure 3^b.

f. Regarding claim 15, the flanks of the end of each of the tie-bars co-operate with the opposed flank of the tie-bar alongside it, constituting attachment seats for the ends of the blades, since the tie-bars co-operate to properly align the blades and seat the ends of the blades as broadly recited by applicant.

6. Claims 1,2,5,10,11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller(3,362,392).

Art Unit: 3724

a. Miller discloses a cutting block for a sawing machine for sawing stone blocks into slabs, comprising a pair of opposed yokes(58,62) for tensioning a plurality of blades(80) by means of tie-bars(94) with spurs(one half of member 84), wherein the tie-bars which hold the blades each have a single spur between two blades place side by side(this limitation is met since applicant did not recite that the blades are in actual contact). See figures 1,4,5, and 10, and column 4, lines 30-35, and lines 59-end, and column 5, lines 15-22.

b. Regarding claim 2, each spur constitutes a spacing straightedge for the two blades placed side by side since without the spur, the blades would not be properly spaced.

c. Regarding claim 5, each tie-bar co-operates with a plate-like reinforcing member(82) which is provided with a spur(other half of member 84).

d. Regarding claim 10, each tie-bar comprises a bar and each spur extends from the bar of the tie-bar in the manner of a hammer-head as clearly seen in figure 4.

e. Regarding claim 11, the spur constitutes a warp-preventing guide for the blades placed side by side since the width of the spur aids in supporting the blade and thereby preventing warpage.

f. Regarding claim 15, the flanks of the end of each of the tie-bars co-operate with the opposed flank of the tie-bar alongside it, constituting attachment seats for the ends of the blades, since the tie-bars co-operate to properly align the

Art Unit: 3724

blades and seat the ends of the blades as broadly recited by applicant.

Allowable Subject Matter

7. Claims 3,4,8,9,16,and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

8. Claims 13 and 14 have not been further treated on the merits since they are vague and indefinite and are therefore not fully understood.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

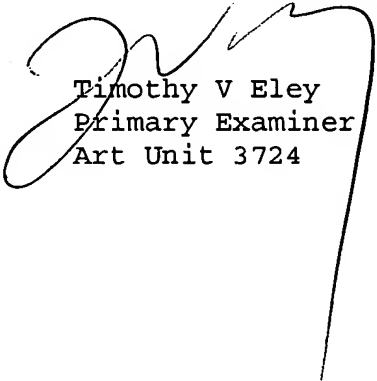
a. The cited references disclose cutting blocks for cutting concrete slabs.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy V Eley whose telephone number is 703-308-1824. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N Shoap can be reached on 703-308-1082. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Timothy V Eley
Primary Examiner
Art Unit 3724

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